

Exhibit 1

PETITION: SMALL CLAIMS CASECASE NO. (court use only) 41-5-17-00242
PLAINTIFF: Kevin L. MeneferIN THE JUSTICE COURT, PCT. 2 BEXAR COUNTY, TEXAS

VS.

DEFENDANT(S) United States (Richard L. Dunbar, Sr.)
Defendant(s) contact info: 601 N.W Loop 410 Ste. 600 S.A. Tx 78216-5599
ADDRESS CITY STATE ZIP

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

- ① Unnecessary Pain and Suffering during and Surgery.
 ② Complications from Botched Surgery of 4 levels
 L-3, L-4, L-5-S-1.

RELIEF: Plaintiff seeks damages in the amount of \$10,000 and/or return of personal property as described as follows (be specific):
which has a value of \$ 10,000

Additionally, plaintiff seeks the following:

A Follow up appointment with a Board Certified
 Spine and Back Surgeon. Preferably Civilian Orthopedics,
 Neuro-surgeon qualified in this field of medicine. A Surgeon
 that will be able to relieve the additional pain added by this Surgeon.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address

Kevin L. Menefer
 Petitioner's Printed Name

Kevin L. Menefer
 Signature of Plaintiff or Attorney

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH N/ALAST 3 NUMBERS OF DRIVER LICENSE N/ALAST 3 NUMBERS OF SOCIAL SECURITY N/ADEFENDANT'S PHONE NUMBER (210) 384-7345

Address of Plaintiff or Attorney

7345 Estid Trail S.A. Tx 78244S.A

CITY

Texas

STATE

78244

ZIP

Phone of Plaintiff Attorney/Plaintiff (210) 445-8895Sworn to and subscribed before me this JUN 28 2017, 20

CLERK OF THE JUSTICE COURT OR NOTARY

Instructions: The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>. This website will provide the current active military status of an individual.

Military Status Affidavit

Case No. _____
Kevin L. Menefee (E-7)
 Plaintiff

§ In the Justice Court of

§ Bexar County, Texas

§

§

§ Precinct 4, Place _____

§

vs. United States Attorney
 Defendant Richard L. Durkin, Sr.
James F. O'Hagan
 BEFORE ME, on this day personally appeared Kevin L. Menefee

who, under penalty of perjury, stated that the following facts are true:

I am the ☒ Plaintiff ☐ attorney of record for the Plaintiff in this proceeding.

☐ _____, Defendant, is not in military service.

☐ _____, Defendant, is in military service.

I know this, because _____

☒ I am unable to determine whether or not the Defendant is in military service.

Signed on _____

Kevin L. Menefee
 Signature

Printed Name: Kevin L. Menefee

Address: 7345 Estel Ln. L.

Sr. A. Ta 78244

Telephone: (210) 445-8685

Fax: _____

E-Mail Address: ymkhsu1898@att.net

THE STATE OF TEXAS §

COUNTY OF BEXAR, §

SWORN TO AND SUBSCRIBED BEFORE ME on _____

[Signature]
 Clerk of the Court

NOTARY PUBLIC, State of Texas

JUN 28 2017

FILED
 JUSTICE COURT
 BEXAR COUNTY, TEXAS
 2017 JUN 28 PM 5:17

Justice Court Civil Case Information Sheet (4/13)

Cause Number (for clerk use only):

Styled

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at that

1. Contact information for person completing case information sheet:	2. Names of parties in case:
<p>Name: <u>Kevin L. Monette</u> Telephone: <u>(214) 445-8595</u></p> <p>Address: <u>7345 Fritsch</u> Fax: <u>214</u></p> <p>City/State/Zip: <u>San Antonio, TX</u> State Bar No: <u>661-8947</u></p> <p>Email: <u>Kevin.L.Monette@att.net</u></p> <p>Signature: <u>Kevin L. Monette</u></p>	<p>Plaintiff(s): <u>Kevin L. Monette</u></p> <p>Defendant(s): <u>United States Attorney</u> <u>Richard L. Dinkley</u> <u>James F. O'Higgins</u></p> <p>[Attach additional page as necessary to list all parties]</p>
3. Indicate case type, or identify the most important issue in the case (select only 1):	
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a "lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input checked="" type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

FILED
 CLERK OF DISTRICT COURT
 TARRANT COUNTY, TEXAS
 JUL 28 PM 5:17

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

4151700241
UNITED STATES (RICHARD L.
DURBIN JR)
601 N.W. LOOP 410 STE 600
SAN ANTONIO, TEXAS 78216

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature *Michelle Fendley* ☐ Agent ☐ Addressee
- B. Received by (Printed Name) *Michelle Fendley* ☐ Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type ☒ Certified Mail ☐ Express Mail
☒ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number

(Transfer from service label)

7016 0600 0001 1415 8578

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-14-1540

UNITED STATES POSTAL SERVICE
SAN ANTONIO, TX 78201



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

TX 78201

30 JUN 17

• Sender: Please print your name, address, and ZIP+4 in this box.

2017 JUL -3 AM 10:27

FILED
JUSTICE COURT PRECINCT 4
BEXAR COUNTY, TEXAS

JUSTICE OF THE PEACE
PRECINCT 4
2711 S.E. LOOP 410
SAN ANTONIO, TX 78222

